

DEED-DQUIT

This is a no fee document NO FEE



00040368200500107260080083

I hereby certify that the within
Instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.



Tassi O'Neil, Tillamook County Clerk

AFTER RECORDING RETURN TO:

City of Garibaldi
City Hall
107 Sixth Street, PO Box 708
Garibaldi OR 97118

**UNTIL FURTHER NOTICE
SEND TAX STATEMENTS TO:**

City of Garibaldi
City Hall
107 Sixth Street, PO Box 708
Garibaldi OR 97118

QUITCLAIM DEED

THIS INDENTURE is made between **Tillamook County**, a political subdivision of the State of Oregon, by and through its **Board of Commissioners** (hereafter Grantor), and the **City of Garibaldi**, an Oregon municipal corporation (hereafter Grantee).

On the 23rd day of November, 2005, the Tillamook County Board of Commissioners duly made and entered an Order in the County Court Journal (incorporated herein by reference) directing that certain real property be transferred as set forth in that Order. Grantor acquired the property through tax foreclosure or otherwise.

Pursuant to the Order dated November 23, 2005, and the laws of Oregon, Grantor has agreed to convey the real property described below to Grantee for consideration other than money.

CONSIDERATION: THE TRUE AND ACTUAL CONSIDERATION PAID FOR THIS TRANSFER IS \$0.00, but consists of other non-monetary consideration.

NOW, THEREFORE, in consideration of the premises, and subject at all times to the conditions listed below, Grantor quitclaims to Grantee the following described real estate together with all Grantor's right, title, and interest in and to the real property as more particularly described in the attached Exhibit A, incorporated herein by reference.

This conveyance is subject to the condition that the described parcels shall be used by Grantee solely for park and recreation purposes as more particularly described in said November 23, 2005, Order and for no other purpose; and that if Grantee shall fail to comply with said requirements, then the conveyance of said parcels shall be of no further force or effect and the said parcels shall revert immediately to Tillamook County upon the recording of an affidavit by Tillamook County within the County Deed Records setting forth findings concerning Grantee's non-compliance with the said requirements.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 23rd day of November, 2005.

GRANTOR:

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

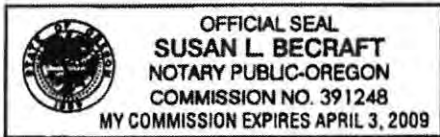
Charles J. Hurliman
Charles Hurliman, Chair

Tim Josi
Tim Josi, Vice-Chair

Mark Labhart
Mark Labhart, Commissioner

STATE OF OREGON)
)ss.
County of Tillamook)

On this 23rd day of November, 2005, before me appeared Charles Hurliman, Tim Josi, and Mark Labhart, all to me personally known, who, being first duly sworn, did say that they are the duly elected, qualified, and acting County Commissioners of Tillamook County, Oregon; that said instrument was executed by authority of an order of said Board of Commissioners duly and regularly made and entered and the said Commissioners acknowledged said instrument to be the free act and deed of said political subdivision.



Susan L. Becraft
Notary Public for Oregon
My Commission Expires: 4-3-09

APPROVED AS TO FORM:

William K. Sargent
William K. Sargent,
County Counsel

ATTEST: Tassi O'Neil, County Clerk

By: Susan L. Becraft
Special Deputy



Exhibit A

Parcel I

Lots 21, 22, 23, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 2, Page 17, Plat Records of Tillamook County, Oregon. Together with the following described parcel: Beginning at the SW corner of Lot 19, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI, thence East 85.0 feet; thence North to a point which is North 75° 08" East from the point of beginning; thence South 75° 08" West to the point of beginning.

Parcel II

A parcel of land situated in Section 21, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon, as more particularly described as follows:

Commencing at a monument designated as Stone "A," located at the southeasterly corner of Block 1, Garibaldi; thence North 16° West 617.18 feet, more or less, to the northwest corner of the United States Coast Guard tract as described in Book 88, Page 548, Deed Records, TCO; thence north 81° 20' east along the northerly boundary of said United States Coast Guard tract 82.5 feet to the Initial Point of the tract to be herein described; thence north 5° 41' east 1092.6 feet, more or less, to the north line of the south half of the northwest quarter of said Section 21; thence easterly 173.1 feet along the said north line to the northwest corner of that tract conveyed to Mulloy by deed recorded in Book 103 at Page 195, Deed Records, TCO; thence south 15° 37' east along the westerly boundary of said Mulloy tract to the southwest corner thereof; thence continuing south 15° 37' east along the westerly boundary of Eleventh Street to the northeast corner of that tract conveyed by Tillamook County to Fritsch by deed recorded in Book 99 at Page 486, Deed Records, TCO; thence southwesterly along the northwest boundary of said Fritsch tract to the northeast corner of that tract conveyed by Tillamook County to Warren by deed recorded in Book 99 at Page 498; Deed Records, TCO; thence southwesterly along the northwest boundary of said Warren tract to the northeast corner of that tract conveyed by Tillamook County to Fessler by deed recorded in Book 99 at Page 514, Deed Records, TCO; thence southwesterly along the northwest boundary of said Fessler tract to the northwest corner of that tract conveyed by Tillamook County to Krumlauf by deed recorded in Book 100 at Page 33; thence southerly along the westerly boundary of said Krumlauf tract to the north line of the United States Coast Guard tract as described in Book 88 at Page 548, Deed Records, TCO; thence south 81° 20' west along the northerly boundary of said United States Coast Guard tract to the Initial Point of the tract herein described.

LESS THAT PORTION sold to David T. Sigafos and Vickie K. Sigafos by Tax Land Installment Contract dated October 26, 2005 and recorded November 21, 2005 in instrument 2005-010522, Deed Records, Tillamook County Records.

ENDORSED
9:50 AM Filed *gaw*
11-29, 2005
Tassi O'Neil
County Clerk

Tillamook County, Oregon 2005-010724
11/29/2005 08:53:10 AM

DEED-ORDER
This is a no fee document NO FEE



I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neil, Tillamook County Clerk



Return to: Tillamook County Commissioners
201 Laurel Ave
Tillamook OR 97141

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON**

In the Matter of Setting Aside Certain)
Land in the City of Garibaldi For Use)
As a Park and Recreation Area and)
Directing that Said Land, Together With)
Another County Park, Be Transferred)
To the City of Garibaldi For Use as)
City Parks.)

ORDER #05-107

This matter came on to be heard this 6th day of July, 2005, at a regular meeting of the Board of County Commissioners at which time it appears that the City of Garibaldi, through its Mayor Everett Brown, has requested that certain county-owned land within the City of Garibaldi be transferred to the city for use as city parks. Being fully apprised of the records and files herein, the Board finds as follows:

1. On January 3, 1941, Tillamook County acquired by deed from the Hammond Lumber Company a tract of land which is now included within the hereinafter described Parcel I. (Deed Book 80, page 244)
2. An agreement was entered into on April 2, 1941, with the Garibaldi Women's Club for the use of said tract, together with the "duplex house" located thereon, as a community center under the supervision of the Garibaldi Women's Club.
3. On April 9, 1941, the Tillamook County Court set aside and dedicated said community center tract by order as a "Public Park and Community Center." (County Court Order, Book P, Page 242; recorded in Deed Book 215, page 719)
4. As set forth in a County Court Order on December 16, 1959, the use of said tract and structure was relinquished by the Garibaldi Women's Club and the County Court therein allowed the use of the premises by the Miami Cove Grange No. 909 for "grange purposes or such other public use as may be necessary." (County Court Order, Book Z, Page 409)
5. During the period of use by Miami Cove Grange, the County acquired an additional triangular-shaped property adjoining said tract (as also included in the hereinafter described Parcel I) which additional property has been used for parking, but is not dedicated for park purposes. (Deed Book 244, Page 44) Said additional property should be dedicated for park purposes as part of this present Order.

6. On May 25, 1995, Miami Cove Grange terminated its use of the premises and since that time Parcel I has been used only intermittently for a youth boxing club, but has largely remained vacant and unused.
7. By deed from Hammond Lumber Company to Tillamook County dated January 20, 1941, the hereinafter described Parcel II was conveyed to Tillamook County. (Deed Book 80, Page 243)
8. In April 1988, the Oregon Department of Fish and Wildlife (ODFW) conducted a field inspection in the vicinity of said Parcel II, at which time it confirmed the existence of a significant heron rookery, including six nest trees with 8 nests confirmed and with 20 to 24 birds using the area. ODFW requires that the core area and a 300-foot buffer be left undisturbed and that activity adjacent to the rookery be kept to a minimum between February 15 and July 31 to protect nesting and fledgling birds.
9. As a consequence of its geologic, forest, and wildlife characteristics, Parcel II is designated by the City of Garibaldi within the Resource Open Space Zone (RO), a Hillside Overlay Zone and subject to a Sensitive Bird Habitat Overlay Zone.
10. Parcel II is not currently set aside or designated as a county park or recreation area, but it should be dedicated for park purposes as part of this present Order.
11. The City of Garibaldi desires to acquire from Tillamook County both Parcel I and Parcel II in order that it may plan for and use the said properties as park and recreational areas, including, but limited to uses as open space, natural areas, wildlife habitat, picnicking, hiking and other active and passive recreational uses as it deems to be in its best interests.
12. Tillamook County is willing to dedicate Parcel I and Parcel II as county park and recreation areas, and transfer said parcels to the City of Garibaldi for the uses described in paragraph 11 above, subject to the condition that the parcels would revert to the county if the properties were used in any manner that was inconsistent with said park and recreation dedication.

NOW, THEREFORE, IT IS HEREBY ORDERED that Parcels I and II, as more particularly described in the attached Exhibit A incorporated herein by reference, be and are hereby set aside for county park and recreational purposes; and

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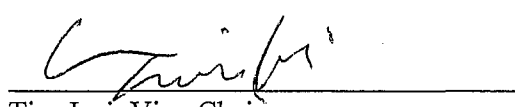

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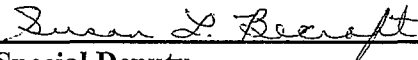
IT IS FURTHER ORDERED that the said Parcels I and II be transferred to the City of Garibaldi by deed for use as city park and recreational areas, subject to the condition that if said properties are used in any manner inconsistent with the dedicated uses described herein, said parcels shall revert to Tillamook County upon the recording of an affidavit in the Tillamook County Deed Records setting forth the facts of such inconsistent use.

DATED this 23rd day of November, 2005.

**THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

	Aye	Nay	Abstain/Absent
 Charles J. Hurliman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tim Josi, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark Laphart, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil,
County Clerk

By 
Special Deputy

APPROVED AS TO FORM:



William K. Sargent, County Counsel



Exhibit A

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Parcel II

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LESS THAT PORTION sold to David T. Sigafos and Vickie K. Sigafos by Tax Land Installment Contract dated October 26, 2005 and recorded November 21, 2005 in instrument 2005-010522, Deed Records, Tillamook County Records.



BOARD OF COMMISSIONERS'
interoffice
MEMORANDUM


DATE: November 28, 2005
TO: The Honorable Tassi O'Neil, County Clerk
RE: Recording without Fees

Please record and waive the fees for the two attached documents: 1) Order #05-107 ("In the Matter of Setting Aside Certain Land in the City of Garibaldi for Use as a Park and Recreation Area and Directing that Said Land, Together with Another County Park, be Transferred to the City Garibaldi for Use as City Parks"), and 2) Quitclaim Deed.

Parcel I has been set aside and dedicated for public use since the 1940's and Parcel II has been dedicated for park and recreational purposes in Order #05-107. The City of Garibaldi is willing to dedicate both parcels as county park and recreation areas, consistent with Order #05-107.

Thank you for your assistance.


CHAIRPERSON


VICE CHAIRPERSON


COMMISSIONER

S.E. 1/4 N.E. 1/4 SEC. 21 T. 1N. R. 10W. W.M.
Tillamook County
1" = 100'

FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

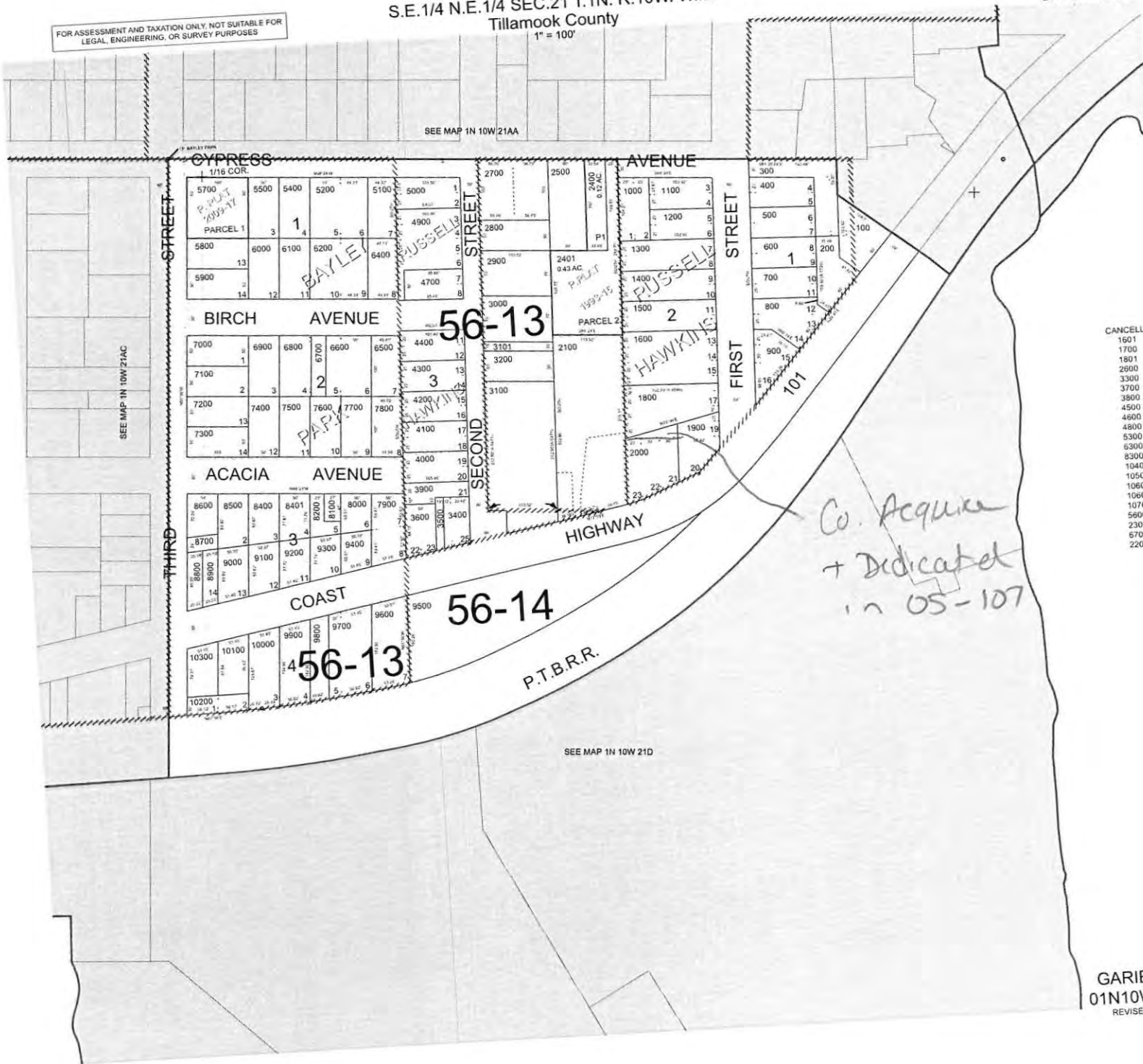
SEE MAP IN 10W21AA

SEE MAP IN 10W21AC

HIGHWAY

P.T.B.R.R.

SEE MAP IN 10W 21D



- CANCELLED:
- 1501
 - 1700
 - 1801
 - 2600
 - 3300
 - 3700
 - 3800
 - 4500
 - 4600
 - 4800
 - 5300
 - 5300
 - 6300
 - 10400
 - 10500
 - 10600
 - 10601
 - 10700
 - 5600
 - 2300
 - 6700
 - 2200

*Co. Acquire
+ Dedicated
in 05-107*